

STATE OF NEW HAMPSHIRE

DEPARTMENT OF AGRICULTURE, MARKETS & FOOD

DEPARTMENT OF RESOURCES

& ECONOMIC DEVELOPMENT

HEMLOCK WOOLLY ADELGID QUARANTINE

JOINT QUARANTINE NO. 1

Amendment No.2
February 1, 2002

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Section 1: Definitions

1. Bark - The tissue of a woody stem or root outside the cambium.
2. Chips - The end product of a milling process that reduces wood (logs, stems, branches) to a wafer or chip-like form.
3. “Compliance Agreement” - An agreement between the state of New Hampshire Department of Resources & Economic Development, the Department of Agriculture, Markets and Food, and complying company for movement of hemlock logs, pulpwood, and other hemlock parts from states with known infestations of hemlock woolly adelgid to pre-approved sites in the state of New Hampshire.
4. Hemlock - *Tsuga sp.*
5. Hemlock Woolly Adelgid (HWA) - *Adelges tsugae* Annand, a member of the insect order Homoptera, family Adelgidea.
6. Logs - A section of the trunk or of a large branch of a felled tree, either in its natural state or cut up for use in building, as firewood, etc.
7. Lumber - Timber sawed into beams, planks, and boards of convenient sizes.
8. "Nursery stock" means all hardy deciduous and evergreen trees and shrubs, brambles, woody vines, woody florist stock and herbaceous annuals and perennials, their roots, cuttings, grafts, scions, buds, fruit pits, seeds and plant parts thereof including any collected plants, for and capable of propagation.
9. Pulpwood - A wood (as of Aspen, Hemlock, Pine, Spruce) used in making pulp for paper.
10. Quarantine - A restraint upon the activities or communication of persons or the transport of goods designed to prevent the spread of disease or pests.
11. Seedlings - A plant grown from seeds; a nursery plant not yet transplanted.
12. “State phytosanitary certificate” – means a statement of origin attesting to the health of nursery stock destined for shipment to states in the United States, U. S. territories.
13. Wood-using Industry - Sawmills that cut logs into lumber, sell bark and/or wood chips.

Section II: Statement of Concern

Whereas the Hemlock Woolly Adelgid (HWA), *Adelges tsugae* Annand has been found to cause mortality of Eastern Hemlock, *Tsuga canadensis* (L) Carr;

Whereas the Hemlock Woolly Adelgid is established in Southern New England and has shown rapid movement north;

Whereas this pest has been found to be difficult to control in natural hemlock stands;

Whereas hemlock is a very valuable component of Northern New England's forest for timber and wildlife as well as a high value landscape ornamental;

Therefore, the State of New Hampshire is hereby establishing this plant quarantine and compliance agreement with wood using industries against the Hemlock Woolly Adelgid for the protection of this resource.

Section III: Statutory Authority

The Statutory Authority for this quarantine order is RSA 433:34 and RSA 227-G:3 I(f).

Section IV: Specific Purpose and Factual Basis

The specific purpose of the regulations is to protect New Hampshire's Hemlock resource by preventing the introduction of Hemlock Woolly Adelgid into New Hampshire and spread thereof within the state.

The Department of Agriculture, Markets & Food and Department of Resource and Economic Development have determined that this quarantine is necessary based on the following:

The Hemlock Woolly Adelgid is an introduced species, probably from Asia and a serious pest of Eastern Hemlock in several Northeastern States. This pest feeds primarily on the young branches causing loss of sap. This feeding retards or prevents tree growth, causes needles to discolor and drop prematurely, kills branches, generally weakens, disfigures and ultimately causes death of the trees.

Section V: Hemlock Woolly Adelgid Quarantine

1. A. Quarantine is hereby established against the Hemlock Woolly Adelgid, *Adelges tsugae* Annand (Homoptera: Phylloxeridae).

B. Quarantined areas:

1. Northeastern United States: Connecticut, Delaware, Georgia, Kentucky, Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia.

2. Western United States: Alaska, California, Oregon, and Washington.

2. Articles and Commodities Covered - Hemlock seedlings, hemlock nursery stock: hemlock logs with bark, hemlock lumber with bark, hemlock chips and uncomposted shipments of hemlock bark.
3. Restrictions - All articles and commodities covered are prohibited entry into the state unless specific conditions (listed below) are met:

A. Hemlock seedlings and nursery stock originated from or previously been held in an area under quarantine are admissible into New Hampshire provided each lot is accompanied by a State phytosanitary certificate issued by the Department of Agriculture or Department of Conservation of the state of origin with an additional declaration that said material is "...free from Hemlock Woolly Adelgid."

A copy of the State phytosanitary certificate must be signed by a plant regulatory official in the state of origin and upon issuance must be faxed to the NH Division of Plant Industry, at (603) 271-3692 or such fax number as the Division may publish. A copy must also be mailed to the Division of Plant Industry, 6 Hazen Drive, Concord, NH 03301, within 5 days of issuance.

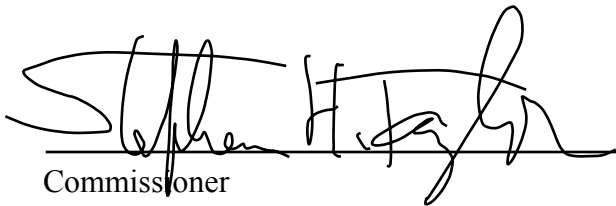
B. Hemlock seedlings and nursery stock from non-quarantined areas shipped into New Hampshire must be accompanied by a valid Nursery Certificate or a State phytosanitary certificate, indicating the origin of the nursery stock and the number and types of regulated articles.

C. Hemlock logs and lumber with bark, chips and uncomposted shipments of bark from quarantined areas may be imported into New Hampshire provided that said material is only shipped to pre-approved sites within New Hampshire in accordance with the HWA Compliance Agreement (Appendix A). If said material is shipped to other sites not approved by the state, a State phytosanitary certificate or equivalent must accompany the material.

Issued by the Department of Resources and Economic Development or
Department of Agriculture, Markets and Food of the state of origin the certificate must
affirm that:

1. The material was grown in the State of origin.
2. The material is free from Hemlock Woolly Adelgid.
3. The material originated from an uninfested area in the state of origin.
4. Violations.
 - A. Any written agreement to ship hemlock logs, lumber with bark, chips and uncomposted bark from quarantined and non-quarantined areas to preapproved sites in New Hampshire may be canceled by the New Hampshire Division of Forests and Lands if the person who entered into it fails to comply with the provisions of this rule. If the person has been given notice of cancellation orally, written confirmation of the decision and reasons for it will be provided within 10 working days. The Division of Forests and Lands may reinstate by written agreement if it finds that the reason(s) for cancellation has (have) been rectified.
 - B. Any person shall be guilty of a misdemeanor if that person violates any provision of this quarantine (RSA 433:32).
Any regulated articles not in compliance with the quarantine are subject to confiscation and destruction. Plants ordered destroyed must be clearly separable from other stock. Destruction of condemned stock shall be at the expense of the owner (RSA 433:30). Nurseries in violation of this quarantine are subject to suspension of certification until such pests have been suppressed or eradicated (RSA433:35).
5. Notification. Any persons believed to have Hemlock Woolly Adelgid on his or her premises shall notify the Department of Agriculture, Division of Plant Industry or Department of Resources and Economic Development, Division of Forests and Lands. The presence of the Hemlock Woolly Adelgid on a property is subject to quarantine and eradication procedures. Failure to notify the proper authorities is a violation of this quarantine.

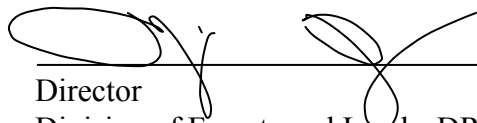
This quarantine against the Hemlock Woolly Adelgid will become effective upon its adoption.



Commissioner
Department of Agriculture, Markets & Food

01-25-02

Date



Director
Division of Forests and Lands, DRED

2 11 02

Date